

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GORDON D. SUTTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:04CV1623 ERW
)	
JO ANNE B. BARNHART,)	
)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton pursuant to 28 U.S.C. § 636(b). The Court notes that no objections to the Report and Recommendation have been filed within the time afforded by 28 U.S.C. § 636(b)(1).

Pursuant to 42 U.S.C. § 405(g), a party may seek review of any final decision of the Commissioner of Social Security. Upon review, a district court may remand to the Commissioner, under sentence six of § 405(g), provided that the Commissioner requests a remand “made for good cause shown before the Commissioner files the Commissioner’s answer.” 42 U.S.C. § 405(g) (2000). Before filing an answer, the Commissioner filed a Motion to Remand on March 18, 2005 (doc. #5). Additionally, the Plaintiff filed a Memorandum in support of the Commissioner’s Motion to Remand; the Plaintiff did not object to the Commissioner’s Motion to Remand pursuant to sentence six of § 405(g) (doc. #8).

As detailed in the Report and Recommendation, a supplemental hearing by the Administrative Law Judge is necessary to develop a full and fair record with regard to the March

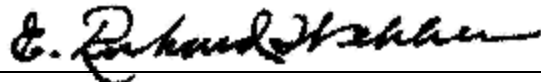
2004 decision on the Plaintiff's disability application. Therefore, after consideration of the issues, the Court hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation with the following exception:

1. On page one (1) of the Report and Recommendation, change "Sentence six of 42 U.S.C. § 405(g) provides that '[t]he court may, on motion of the Secretary made for good cause shown before he files his answer, remand the case to the Secretary for further action by the Secretary ...'" to "Sentence six of 42 U.S.C. § 405(g) provides that '[t]he court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security.' 42 U.S.C. § 405(g) (2000)."

Accordingly,

IT IS HEREBY ORDERED that the Commissioner's Motion for Remand is **GRANTED**. The above-styled action is **REMANDED** to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings in accordance with the Report and Recommendation.

Dated this 6th day of June, 2005.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE